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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,269	10/12/2001	Oscar Salonaho	59643.00071	2266

32294 7590 11/29/2007  
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TYSONS CORNER, VA 22182

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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11/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 09/977,269</p>	<p><b>Applicant(s)</b> SALONAH O ET AL.</p>	
	<p><b>Examiner</b> Naghmeh Mehrpour</p>	<p><b>Art Unit</b> 2617</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 16 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1, 6, 7, 9-15, 17-19, 38, 40 and 47-53.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
please see the attachment.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

NAGHMEH MEHRPOUR  
PRIMARY EXAMINER

***Response to Arguments***

3. Applicant's arguments filed 10/16/07 have been fully considered but they are not persuasive.

The Examiner asserts that the references made herein are done so for the convenience of the applicant. They are in no way meant to limit the reference.

In response to the applicant's argument that *Endo* fails to teach the claims limitations.

The Examiner asserts that *Endo* teaches in FIG. 1 is a system arrangement diagram for schematically showing a mobile terminal (portable radio terminal), a radio base station, and a radio base station control apparatus, employed in a transmission power control system and method for a mobile terminal according to the present invention. That is, the mobile terminal 100 owns a function to transmit and/or receive radio signals having frequencies  $f_1$  and  $f_1'$  with respect to the radio base station 101 in a radio zone L1. Also, the mobile terminal 100 owns another function to measure a reception field strength as to the reception frequency of  $f_1$ , and a further function to store this measurement value. The radio base stations 101 and 102 are connected to the radio base station control apparatus 103, and each radio base station owns such a function that data transmission/reception between the radio base station control apparatus 103 and mobile terminals within the constructed radio zone L1 or L2 respectively are repeated by using the allocated radio frequencies. The radio base station 101 has a function to measure a reception field strength as to the reception frequency  $f_1'$  in order to monitor a quality of a radio signal, and to notify the measurement value to the radio base station control apparatus 103. The radio base

station control apparatus 103 transmits and receives data between the radio base stations 101,102 connected to this control apparatus 103, and a mobile terminal which is connected to these radio base stations in the wireless manner. This radio base station control apparatus 103 owns a function to monitor the reception field strength of the mobile terminal 100 under communication, and another function to send an instruction to the mobile terminal 100 to increase/decrease the transmission power thereof in response to the measured reception field strength. The control unit 209 stores the proper number of reception field strength values having been measured in each time of measurement, and has a function to calculate an average value of these reception field strength values being stored, and further stores a threshold value for reception field strength variation in order to check a changing degree of a reception field strength. Also, the transmission power control unit 208 is capable of controlling the transmission power under such a condition that a range of 30 dBm is controllable by 0.5 dBm per one step. In the mobile terminal, the reception field strength of the frequency fl sent from the radio base station 101 is measured by the reception field strength measuring unit 207, and the measurement result is notified to the control unit 209. The control unit 209 calculates an average value of reception field strength based upon the notified reception field strength and the proper number of predetermined reception field strengths. Then, the control unit 209 compares this average reception field strength with the first area block discriminating threshold value and the second area block discriminating threshold value in order to judge where the own terminal is located in any one of the area blocks. Then, the increasing width and the decreasing width of the transmission power are determined based on the discrimination result (step 501). For instance, in the case where the

mobile terminal is present in the block 401, the unit of the above-described increasing width and decreasing width is set to 3 steps and 1 step, respectively. In the case of block 402, the unit of the above-described increasing width and decreasing width is set to 1 step and 3 steps respectively. In the case of block 403, the unit of the increasing width and decreasing width is set to 1 step and 1 step respectively. Next, the measured reception field strength is compared with the previous reception field strength which has been measured and stored (step 502). In such a case that the difference value (comparison result) is larger than the threshold value of reception field strength difference, when the reception field strength is increased, 1 step is added to the be explained with reference to FIG. 6. FIG. 6 is a flow chart for describing operations of the transmission power control for a mobile terminal according to the second embodiment of the present invention. In the mobile terminal, the control unit 209 owns a function to store the properly selected number of setting values of the power control bit preset to each of the burst signals in addition to the above-explained function of the first embodiment. Similar to the operations described in the flow chart of FIG. 5, the control unit 209 determines the increasing width and the decreasing width of the transmission power (steps 600 to 603), and thereafter acquires the power control bit contained in the received burst signal to check the value set in this power control bit (step 604). When "1" is set to this power control bit, the properly selected number of power control bits which have been previously stored are checked. When "1" is continuously received by a predetermined number of times, e.g., 10 times (step 605), 2 steps are added to the increased width of the transmission power

(step 606). The control unit 209 determines the increasing width of the transmission power, and thereafter instructs the transmission power control unit 208 to increase the transmission power and also notifies the increasing width of the transmission power (step 607). When "0" is set at the step 604, the properly selected number of power control bits previously stored are checked. If "0" is continuously received 10 times (step 608), then 2 steps are added to the decreasing width of the transmission power (step 609). The control unit 209 determines the decreasing width of the transmission power, and thereafter instructs the transmission power control unit 208 to decrease the transmission power and notifies the decreasing width of the transmission power. In response to the instruction about the transmission power and also the increasing width, or the decreasing width of the transmission power received from the control unit 209, the transmission power control unit 208 increases, or decreases the transmission power.

NM

November 19, 2007



NAGHMEH MEHRPOUR  
PRIMARY EXAMINER